

REMARKS

Information Disclosure Statement

The applicant submitted an IDS on 11/6/00, and the first office action (mailed on 7/17/03) indicated the IDS had been received and considered by the examiner. However, the first office action did not include a copy of form PTO-1449 initialed by the examiner. Accordingly, the applicant respectfully requests the examiner include an initialed copy of form PTO-1449 in the next office action.

Claim Rejections - Double Patenting

The examiner rejected claims 1-11 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-4 of U.S. Patent No. 6,691,198 in view of Thorson (6,055,618). To overcome this rejection the applicant files herewith a terminal disclaimer under 37 CFR 1.321(c).

Claim Rejections – 35 USC §103

The examiner rejected claims 1-5 and 7-10 under 35 USC §103(a) as unpatentable over Kanai (5,862,403) in view of Ballard et al. (5,854,941) and further in view of Thorson (6,055,618).

The applicant has amended claims 1 and 7 to recite that each disk storage device comprises a disk and a head, and that the scheduling data comprises a radial location of the head relative to the disk within each disk storage device. The amendment overcomes the rejection since nothing in the relied upon prior art discloses or suggests this limitation.

Regarding claims 4 and 9, the relied upon prior art also does not disclose or suggest that the scheduling data comprises a circumferential location of the head relative to the disk within each disk drive. The rejection should be withdrawn.

The examiner rejected claims 6 and 11 under 35 USC §103(a) as unpatentable over Kanai (5,862,403) in view of Frank, Jr. (6,654,195) and further in view of Thorson (6,055,618) and Darnell (6,381,647). The applicant respectfully disagrees

Although Darnell discloses the use of an isochronous protocol for transmitting data through a switched fabric network, nothing in Darnell would suggest to use an isochronous protocol to transmit scheduling data from a disk storage device through a switched fabric network. In response to this argument, the examiner asserts that Darnell discloses at col. 6, lines 13-15, to use an isochronous protocol for “deterministic transmission” which is the same type of information as applicant’s scheduling data. This argument is flawed for at least two reasons. First, Darnell discloses to transmit user data with isochronous frames and asynchronous frames for network initialization, determination of which node will serve as master node, maintenance, and repair (col. 6, lines 13-17). Thus, Darnell suggests to use an asynchronous protocol to transmit non-user data, such as scheduling data. Further, Darnell does not disclose how to determine which node will serve as the master node (col. 6, lines 16-17) let alone to use scheduling data received from a disk storage device. The rejection should therefore be withdrawn.

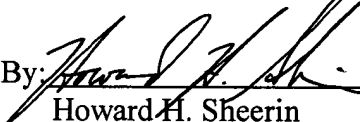
The rejections of the remaining claims should be withdrawn for the reasons set forth above.

CONCLUSION

The above amendments to the claims do not raise new issues or add new matter; the applicant respectfully requests the examiner to enter the amendments. In view of the foregoing remarks, the rejections should be withdrawn. The relied upon prior art does not disclose or suggest to transfer scheduling data from disk storage devices to a memory of a network switch via a number of switching elements, wherein the scheduling data for use in scheduling access to the disk storage devices, each disk storage device comprising a disk and a head, and the scheduling data comprising a radial location of the head relative to the disk within each disk storage device. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

Respectfully submitted,

Date: 10/28/04

By: 

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CERTIFICATE OF MAILING

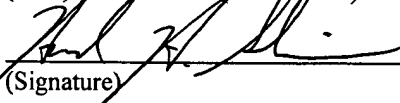
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

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